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CITSEE, OR A TRIP INTO THE UNKNOWN BY JO SHAW



Coming to the Balkans...

When I started investigating citizenship laws and policies in the new states of South Eastern Europe on the territory of the former Yugoslavia in the mid 2000s, it seemed a remarkably empty field from an academic point of view. We cannot say this now!

Like many people in the UK and elsewhere, I had followed with horror what was portrayed as the ethnic conflict— now we know it was much more complex than that —and the crimes against humanity which accompanied the often violent dissolution of the former Yugoslavia into separate states. Although the lawyer in me often wondered about personal status issues, passports, statelessness, and such like, I never examined it further. I carried on with my own work on citizenship and constitutionalism *within* the European Union, taking little notice of what was happening *outside* or— increasingly —*across the borders*

of the EU.

I started to take more of an interest after doing a small case study on the treatment of the so-called Erased in Slovenia. This was part of my study of one key aspect of EU citizenship rights, namely the rights of EU citizens resident in Member States other than the one of which they are a citizen, to vote in local and European Parliamentary elections, on the basis of residence rather than citizenship. This study, published under the title [The Transformation of Citizenship in the European Union](#) – which also extended to the new Member States –placed the EU citizenship rights in their broader legal and political context of the citizenship regimes of the Member States. In the case of Slovenia, which had introduced voting rights for third country nationals in local elections, at the same time as ensuring the compliance of national legislation with the requirements of EU law in advance of accession, the status of the Erased seemed to raise questions about whether the process of citizenship acquisition in new states had indeed been smooth. The Erased are (and remain as their situation is still not totally settled even twenty years later) the group of citizens of other former Yugoslav Republics resident in Slovenia at and after independence in 1992, who did not succeed in obtaining Slovenian citizenship and who came to be treated not as lawfully resident aliens but as non-persons, persons literally ‘erased’ from the records.

If such a story could emerge from Slovenia, the supposedly ‘bon élève’ in the classroom of Europeanisation, and a Member State of the European Union since 2004, I started to wonder how things were in the other states. How is citizenship dealt with where there have been long periods of prolonged violence or low level inter-ethnic conflict, resulting today in societies deeply divided along ethnic lines, and where levels of legal, political and societal readiness for accession to the EU were rather low, despite the prospect of membership which had been held out for all these so-called ‘Western Balkan’ states by the EU and its Member States? From 2009 onwards, I have had the chance to do so, along with Igor Štiks (whose publications, when writing his PhD on the topic, were some of the few to address the issue of citizenship in the former Yugoslav successor states) and a group of talented early career researchers from the region, all of whom are part of [CITSEE](#) (The Europeanisation of Citizenship in the Successor States of the Former Yugoslavia).

Why citizenship?

What can focusing on citizenship tell us when we study polities in transformation, compared to other methods of analysis of social and political institutions of membership, such as ethnicity or sovereignty? More generally, and also elsewhere in my work as an [academic](#), I find the close empirical study of citizenship regimes (both in legal terms but also, perhaps more importantly, in their wider political and societal context) to offer great insights into the ‘lived detail’ of polities, helping us to understand how and why certain issues are contested (e.g. immigration, integration of non-citizens, ethnic differences, etc.) and also what the democratic quality of such states might be, at least in terms of membership rights and practices. Using the prism of the study of citizenship regimes, this is what we are slowly trying to build up through CITSEE over its five years of operation.

We can illustrate this with some quick examples from CITSEE’s work. While we supposedly live in a border-less Europe, in practice we are encountering ever more of a ‘border-more’ Balkans, as [Jelena Dzankic](#) has noted. We can see evidence, in all of the [CITSEE papers](#), of the importance of having “the right passport” (the visa-free Croatian passport scored highly on the list), or how “passports of convenience” are used, mainly to overcome issues of isolation. This is felt especially strongly in Kosovo now that every other state in the region, including Albania, enjoys Schengen visa liberalisation (at least for those with biometric documents). And we can observe that the overlapping citizenship regimes of these new states provide, from an academic perspective, an interesting story about legal pluralism in action.

What do we mean by citizenship regime?

My final thoughts here concern the concept of ‘citizenship regime’, which the CITSEE researchers have been using to shape their work on the country case studies that were published up to March 2011 on the CITSEE (academic) website and which are summarised here on this website dedicated to a wider inquiry into “Citizenship in Southeast Europe”.

We start off by focusing on the internally and externally recognised link between the state and the individual; we prefer the term ‘citizenship’ to the ambiguous concept of nationality that in Eastern Europe is generally used to refer to ethnic background and not to the civic status of being a citizen of a state. Looking at that link means we have to examine first the rules of acquisition and loss, including initial determination of the citizenry, in all new states. Where there have been successive processes of dissolution, as with the Federal Republic of Yugoslavia (Serbia and Montenegro) that was one of the initial 5 successor states of the former socialist Yugoslavia (SFRY) and eventually became Serbia, Montenegro and Kosovo, this can be especially complicated and confusing for individuals to navigate. Hence, we also need to take care of how citizenship operates in practice, as well as ‘in the books’. Also looking beyond ‘law in the books’, we have tried to ascertain the ‘official’ or ‘unofficial’ ideologies of inclusion or exclusion which operate to set the boundaries of membership. Here, the statements of political parties in terms of representing sometimes competing views of nation and state have helped to guide our understanding. It is also important to look not only inside the membership regime, but also at its edges and at those who lie outside. Are the edges of a citizenship regime clear, or fuzzy? How does the polity treat those who lie outside?

Overall, you could say that we are looking at all aspects of the legal status of citizenship which are central to civic, political and socio-economic membership of a polity. We have focused much more on the civic rights (such as issues around the treatment of minorities, especially the Roma) and political rights, because these have an immediate impact upon the character of the polity, by determining the crucial question of who has a right to have a say in the future of the polity through voting and other forms of political participation and possibly activism. Social rights and social citizenship lie outside our direct focus of attention at the present time.

Finally, we have taken care to look at EU citizenship. What are the implications of this form of 'supranational' membership for those who are currently inside the circle of EU membership (Slovenia), for those who are knocking at its doors (Croatia and – possibly within a reasonable time – Macedonia, Montenegro and Serbia), and finally for those who still find themselves in a tricky situation of international stewardship which limits the possibilities for positive political agency that can bring a state closer to the goal of EU membership (Bosnia and Herzegovina and, especially, Kosovo)? More generally, what are the external effects of EU law and the politics of EU conditionality on the citizenship regimes of the new states of South Eastern Europe, both in fields which are strictly matters of EU 'competence' (e.g. visa liberalisation) and those which are not, except in a broader political sense (such as the treatment of minorities).

A Good Journey

The last two years have involved extensive travelling, both literally in the region, usually in the company of engaging and engaged guides from amongst the CITSEE research team, and metaphorically in terms of how working on CITSEE has helped to reorient my thinking on how concepts of membership emerge and are transformed in conjunction with contested processes of nation and state-building. Sometimes the EU – the original object of my research – has seemed irrelevant to citizenship on the ground. At other times, its presence has loomed large. A constant presence throughout this journey, however, has been the overwhelming human impact of citizenship in a region of change and of strife, but also a region capable of moments of beauty and of joy.

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